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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,115	10/20/2000	Dean F. Jerding	A-6688	7821

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SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
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LAWRENCEVILLE, GA 30044

EXAMINER

BELIVEAU, SCOTT E

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/693,115

Applicant(s)

JERDING ET AL.

Examiner

Scott Beliveau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Priority

1. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. However, the provisional application no. 60/170,302 upon which priority is claimed fails to provide adequate support under 35 U.S.C. 112 for claims 1-46 of this application. While the provisional application comprising two documents entitled "Concepts Requirements Document – SARA VOD Release 1.0" and "Description of Enhancements for the Scientific-Atlanta Resident Application (SARA) Release 1.14" do not explicitly disclose a "interactive media services client device" or "interactive media services server" that comprises "memory" containing "visual setting data", nor does it describe the claimed limitations pertaining to the composition of this data. The specification, however, appears to provide support for the selection of user visual schemes.
2. With respect to applicant's claim for priority as a continuation-in-part to co-pending application No. 09/590,488, the earlier application discloses the overall system architecture of the utilized by the instant application (Figures 1-2) and illustrates similar GUI screen-shots. The claimed subject matter of the independent claims of the instant application wherein the "interactive media services client device" or "interactive media services server" comprises a memory appears to be represented of elements "72", "74", and "76" as illustrated in Figure 2. Figure 2 of the co-pending application does not illustrate these components and the examiner unclear as to where the claimed subjected matter associated with these components may be found/supported in the co-pending application. Accordingly,

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the claims of the instant application shall be examined in view of the filing date of the instant application (19 October 2000).

Drawings

3. The drawings are objected to because the label of element "109" should read be amended to read "You've Got Mail". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 107, 108 (Figure 5); 107 (Figure 7). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 13-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 13 and 17 recite the limitation "said visual setting data". There is insufficient antecedent basis for this limitation in the claim. Accordingly, the

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examiner shall presume that "said visual setting data" has been amended to read "visual setting information".

7. Claims 29, 36, and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite the limitation "said visual scheme". There is insufficient antecedent basis for this limitation in the claim. Accordingly, the examiner shall presume that these claims are to be dependent on claims 28, 35, and 42 respectively.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-12, 21-27, 30-34, 37-41, and 45-46 are rejected under 35 U.S.C. 102(b) as being anticipated by LaJoie et al. (US Pat No. 5,850,218).

In consideration of claim 1, the LaJoie et al. reference discloses an "interactive media services client device" [6] that is operable to present "information" provided by a "programmable media services server device" [15/16] (Col 10, Lines 20-41) to a user. The "client device" [6] comprises "memory for storing data" [32] including "visual setting data"

associated with an Interactive Program Guide or IPG (Col 13, Lines 36-65; Col 30, Lines 35-63). “Visual setting data” may be broadly construed as referring to either the programming information/data or to the inherent “setting” used to display and organize the visual components of the IPG application itself (ex. font size, window placement, icons, etc.). The “visual setting data” is subsequently is utilized by a “plurality of applications” including those associated with a channel navigator, an interactive program guide, and VOD services (Col 4, Line 66 – Col 4, Line 11) of the IPG in order to “determine a visual aspect” of the plurality of “items presented to the user”. For example, as shown in Figure 16, the “visual setting data” or programming data may “determines a visual aspect” such as what information to display for an “item” in the program summary window. Alternatively, the “video setting data” of the IPG application inherently defines what font to utilize to use when displaying program listings, or the display characteristics of the indicator [342] such that it may be transparent or opaque (Col 23, Line 61-63, or the manner in which the scrolling is performed (Col 25, Lines 15-37).

Claim 7 is rejected as aforementioned in claim 1, wherein the reference comprises a “server” [15/16] that is operable to “store data” including “visual setting data” associated with an IPG that is utilized by a “plurality of applications” associated with the IPG to determine a “visual aspect of an item presented to the user” (Col 10, Lines 20-41).

Claim 21 is rejected as aforementioned in claim 1 wherein the embodiment is operable to implement a “method” such that the “visual setting data” is stored in “memory” and subsequently “provided” to a “plurality of applications” in order to “determine a visual aspect of an item presented to a user” (Col 13, Lines 36-65; Col 30, Lines 35-63). As

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aforementioned, the “visual setting data” may be broadly construed as referring to either the programming information/data or to the inherent “setting” used to display and organize the visual “aspects” of the IPG application itself (ex. font size, window placement, icons, etc.) to use to display programming information). For example, as shown in Figure 16, the “visual setting data” or programming data may “determine a visual aspect” such as what information to display for an “item” in the program summary window. Alternatively, the “video setting data” of the IPG application inherently defines “visual aspects” including: the font to utilize to use when displaying program listings, the display characteristics of the indicator [342] such that it may be transparent or opaque (Col 23, Line 61-63), and the manner in which the scrolling is performed (Col 25, Lines 15-37).

Claims 2, 10, 14, and 22 are rejected wherein the “visual setting data” may “pertain” to a “title that is highlighted in a grid or list that is in focus, a title that is not highlighted and is in a grid or list that is in focus, a title that is part of a list of or grid that is not in focus” (Figure 16) in so far as the “visual setting data” or program information may define the composition of the program titles. Alternatively, the remaining claimed elements may be met by the various Figures of the embodiment in so far as they illustrate that the IPG “visual setting data” is inherently utilized in conjunction with the generation of the various screens.

Claims 3 and 8 are rejected wherein the “visual setting data” may be “configured based on user input” in so far as the claim does not require that any particular aspects may be “configured”. Accordingly, the limitations are met such that the user may “configure” the “visual setting data” associated with the screen display such particular “visual aspects of an item presented to the user” are changed in based on user designating that program for

recording, as a favorite, etc. For example, “user input” may be utilized to “configure” the “visual setting data” as to display particular programs as illustrated in Figure 14.

Claims 4 and 9 are rejected wherein the aforementioned “visual setting data” may be “configured” based on input from a “headend system operator” [2] (Col 5, Lines 7-8).

Claims 5, 11, 15, and 23 are rejected wherein the “visual setting data” inherently comprises “visual characteristics” including “font type, font size, window edge type, and window edge thickness” as illustrated in Figure 16.

Claims 6, 12, 16, and 24 are rejected wherein the item may be “displayed on a television” (Col 14, Lines 46-57).

Claims 25, 32, and 39 are rejected wherein the LaJoie et al. reference discloses a method, system and device for providing a user with information received from a “programmable media services server device” [15/16] (Col 10, Lines 20-41). The system or client device [6] comprises “memory for storing data” [32] including “visual setting data” used to display an Interactive Program Guide or IPG (Col 13, Lines 36-65; Col 30, Lines 35-63). “Visual setting data” may be broadly construed as referring to either the programming information/data or to the inherent “setting” used to display and organize the visual components of the IPG application itself (ex. font size, window placement, icons, etc.) to use to display programming information). The “visual setting data” is subsequently utilized by a “plurality of applications” including those associated with a channel navigator, an interactive program guide, and VOD services (Col 4, Line 66 – Col 4, Line 11) of the IPG in order to “determine a visual aspect” of the plurality of “items presented to the user”. For example, as shown in Figure 16, the “visual setting data” or programming data may

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“determines a visual aspect” such as what information to display for an “item” in the program summary window. Alternatively, the “video setting data” of the IPG application may be inherently utilized to determine what font to utilize to use when displaying program listings, the display characteristics of the indicator [342] such that it may be transparent or opaque (Col 23, Line 61-63, or the manner in which the scrolling is performed (Col 25, Lines 15-37).

Claims 26, 33, and 40 are rejected wherein the “client device” [6] is a “television set-top box” (Col 13, Lines 6-7) and the “display device is a television” (Col 14, Lines 44-57).

Claims 27, 34, and 41 are rejected wherein the “visual setting data” may be “configured based on user input” in so far as the claim does not require that any particular aspects may be “configured”. Accordingly, the limitations are met such that the user may “configure” the “visual setting data” associated with the screen display such particular “visual aspects of an item presented to the user” are changed in based on user designating that program for recording, as a favorite, etc. For example, “user input” may be utilized to “configure” the “visual setting data” as to display particular programs as illustrated in Figure 14.

Claims 30, 37, and 44 are rejected wherein the “memory” comprises “non-volatile memory” [32].

Claims 31 and 46 are rejected wherein “said plurality of applications” include a “video-on-demand application” (Col 7, Line 33 – Col 8, Line 10).

Claims 38 and 45 is rejected wherein the “visual setting data” may be configured by a “system operator” [2] and downloaded to the terminal (Col 5, Lines 7-8).

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10. Claims 1, 7, 13, 17, 21, 25, 32, and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Kretz et al. (US Pat No. 6,502,241).

In consideration of claims 1, 7, and 21, the Kretz et al. reference discloses a method and arrangement for transmitting and receiving an electronic television program guide. The embodiment comprises a “programmable media services server” [1] comprising a “memory” [13] and an “interactive media services client device” [2] also comprising a “memory” [24] for storing “visual data” associated with the database (Col 2, Lines 33-59). The database stored in memory comprises “visual setting data” that are used by a “plurality of applications” to “determine a visual aspect of an item presented to the user” associated with an electronic program guide (Col 3, Lines 19-41).

Claims 13 and 17 are rejected in view of claims 1, 7, and 21 wherein the “server” [1] and “client” [2] may also store “coloring information” (Col 4, Lines 20-48).

Claims 25, 32, and 39 are rejected in view of claims 1, 7, and 21 wherein the “visual setting data” is utilized to “determine a visual aspect of an item displayed” via a “display device” [22] coupled to the “client device” [1] (Col 2, Lines 60-64).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
13. Claim 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US Pat No. 5,850,218).

Claims 13 and 17 are rejected in view of the claimed limitations of claims 1 and 7 respectively. With respect to the limitation that the embodiment further stores "coloring information", it is unclear from the B/W illustrations if the IPG comprises "color information". The examiner takes OFFICIAL NOTICE that it is notoriously well known in the art for "client devices" and "server devices" to store "coloring information". Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the embodiment if necessary to further "store" and utilize "coloring information" in conjunction with the IPG for the purpose of presenting the user with a IPG that is aesthetically pleasing.

Claims 18 and 22 are rejected wherein the "visual setting data" may "pertain" to a "title that is highlighted in a grid or list that is in focus, a title that is not highlighted and is in a grid or list that is in focus, a title that is part of a list of or grid that is not in focus" (Figure 16) in so far as the "visual setting data" pertains to the program information defining a particular

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title. Alternatively, the remaining claimed elements may be met by the various Figures of the embodiment in so far as they illustrate that the IPG “visual setting data” is inherently utilized in conjunction with the generation of the various screens.

Claims 19 and 23 are rejected wherein the “visual setting data” inherently comprises “visual characteristics” including “font type, font size, window edge type, and window edge thickness” as illustrated in Figure 16.

Claims 16 and 20 are rejected wherein the item may be “displayed on a television “ (Col 14, Lines 46-57).

14. Claim 28-29, 35-36, and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US Pat No. 5,850,218) in view of Lemmons (US Pat no. 6,481,011).

In consideration of claims 28-29, 35-36, and 42-43, the LaJoie et al. reference utilizes a “predefined visual scheme” in so far as the reference does not explicitly disclose or preclude the any modification of the “visual scheme” developed and transmitted by the headend [2]. The Lemmons reference discloses a method wherein a user may “select” and “modify” a “visual scheme” in an IPG such that particular colors may be selected by the user to designate various aspects of the display (Col 1, Line 66 – Col 2, Line 26). Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the LaJoie et al. embodiment, if necessary, to provide a means by which a user may “select” and “modify” a “visual scheme” as taught by Lemmons for the purpose of providing a more sophisticated method in which a user may accurately highlight programming of the type the user likes (Lemmons: Col 1, Lines 26-59).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Alexander et al. (US Pat No. 6,177,931) reference discloses a system whereby visual setting data in the form of advertisements and EPG layout information are stored in the memory of a receiver for presentation to the user.
- The Wugofski (US Pat No. 6,201,538) reference discloses a method for broadcaster control of a television user interface environment using markup languages.
- The Schein et al. (US Pat No. 6,263,501) reference discloses systems and methods for providing television schedule information for display wherein the information may be stored and accessed remotely or locally. The stored information includes data to define the format of the visual screens.
- The Lemmons et al. (US pat No. 6,442,755) reference discloses an interactive television program guide wherein elements are arranged and styled using markup language documents.
- The LeGall et al. (US Pat no. 6,081,263) reference discloses a method and apparatus for creating user configurable interactive displays.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

SEB

September 11, 2003

A handwritten signature in black ink, appearing to read 'JW Miller', is positioned above the printed name.

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600